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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

BEVERLY SEVCIK, et al.,

Plaintiffs,

v.

BRIAN SANDOVAL, et al.,

Defendants,

and

COALITION FOR THE PROTECTION
OF MARRIAGE,

Defendant-Intervenor.

No. 2:12-CV-00578-JCM-PAL

**JOINT MOTION TO EXTEND TIME
TO FILE A MOTION FOR
ATTORNEY'S FEES AND BILL OF
COSTS**

(Second Request)

**JOINT MOTION TO EXTEND TIME TO FILE A MOTION FOR ATTORNEY'S FEES
AND BILL OF COSTS AND SUPPORTING MEMORANDUM**

Plaintiffs and Defendant Governor Sandoval respectfully move for an extension of time for Plaintiffs to file a motion for attorney's fees and bill of costs. Plaintiffs and Governor Sandoval seek a further extension of time for Plaintiffs' motion because the parties have reached an agreement in principle to settle the issues, and need additional time for approval by the relevant State agency. On October 9, 2014, following remand from the Ninth Circuit, this Court entered a permanent injunction requiring access to marriage for same-sex couples, and recognition of their valid marriages from other states. ECF No. 127. Intervenor-Defendant Coalition for the Protection of Marriage ("Intervenor") subsequently petitioned the Ninth Circuit for rehearing en banc. ECF No. 131. Plaintiffs moved for an extension of time to seek fees and costs until 30 days after any further appellate review became final, which this Court granted. ECF No. 130. After Intervenor's request for rehearing en banc was denied, Intervenor petitioned the Supreme Court for a writ of certiorari. The Supreme Court dismissed Intervenor's petition on July 21, 2015, making Plaintiffs' motion for attorney's fees and costs due on August 20, 2015. *See Coalition for the Protection of Marriage v. Sevcik*, No. 14-1214, 2015 U.S. LEXIS 4583 (U.S. July 24, 2015).

Plaintiffs and Governor Sandoval have diligently engaged in settlement negotiations, and have agreed on specific terms that would fully and finally resolve Plaintiffs' claims for fees and costs. This agreement can only be finalized, however, with approval from the Nevada State Board of Examiners ("BOE") at a public meeting. *See Nev. Rev. Stat. § 353.010*, et seq. Pursuant to the BOE's notice requirements, the earliest a proposal to approve the parties' settlement agreement can be heard is the BOE's October 13, 2015 meeting. Accordingly, Plaintiffs and Governor Sandoval respectfully request that Plaintiffs' time to seek fees and costs be extended until October 30, 2015.

The requested extension will serve judicial and party economy by obviating the need for the Court to decide, and the parties to brief, a lengthy and involved fees and costs application that already has been resolved in principle. Plaintiffs anticipate that their fees application and

1 supporting materials will be voluminous because of the large scope of this case, involving many
2 complex constitutional law questions of first impression and extensive expert testimony. Judicial
3 economy favors saving the Court and the parties significant, unnecessary work on an application
4 that is likely to be fully and finally resolved at the BOE meeting. The other parties to this action
5 have agreed to, or not opposed, this request.

6 For the foregoing reasons, Plaintiffs and Governor Sandoval respectfully request that this
7 Court extend Plaintiffs' time in which to file a motion for attorney's fees and bill of costs until
8 October 30, 2015. If this Court is not inclined to grant this request, Plaintiffs request in the
9 alternative that the deadline for seeking attorney's fees and costs be extended until 14 days after
10 the disposition of this motion.

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1 DATED: August 11, 2015

2 Respectfully submitted,

3 LAMBDA LEGAL DEFENSE AND
4 EDUCATION FUND, INC.

DAWN SESTITO (*pro hac vice*)
O'MELVENY & MYERS LLP

5 /s/ Tara Borelli
6 JON W. DAVIDSON (*pro hac vice*)
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7 *Attorneys for Plaintiffs*

8 ADAM PAUL LAXALT
9 Nevada Attorney General

10 /s/ C. Wayne Howle
11 C. WAYNE HOWLE
Chief Deputy Attorney General

12 *Attorneys for Defendant Brian Sandoval*

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15 **ORDER**

16 Upon consideration of Plaintiffs and Governor Sandoval's joint motion to extend the time
17 to file a motion for attorney's fees and bill of costs, and good cause appearing, the Court hereby
18 GRANTS the motion. The deadline for Plaintiffs' motion for attorney's fees and bill of costs is
19 extended to, and includes, October 30, 2015.

20 IT IS SO ORDERED:

21
22 United States District Court Judge

23 DATED: _____, 2015
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CERTIFICATE OF SERVICE

I hereby certify that I will electronically file the foregoing document with the Clerk of the Court for the United States District Court, District of Nevada by using the CM/ECF system on August 11, 2015. All participants in the case are registered CM/ECF users, and will be served by the CM/ECF system.

By: /s/ Tara Borelli
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